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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,547	03/11/2004	Evan E. Koslow	KXIN 100061000	7831

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EXAMINER

KURTZ, BENJAMIN M

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,547

Applicant(s)

KOSLOW, EVAN E.

Examiner

Benjamin Kurtz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-4, 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter et al. US 5,114,572.

Regarding claim 1, Hunter (572) teaches a filter housing comprising: a sump (10) (fig. 2), a head (11) having an inlet (72) and an outlet (50) in fluid communication with the filter cartridge (12) (fig. 1&2) and the head (11) is removably attached to the sump (10) (col. 2, lines 66-67), a radial sealing means (42) between the head (11) and the sump (10) (fig. 2), a pressure relief mechanism (38) that depressurizes the sump (10) prior to removing the sump (10) from the head (11) (fig. 2, col. 5, lines 52-58), at least one clamp (93) attaching the sump (10) to the head (11) (fig. 2), and a clamp actuator (88) comprising a linear cam in mechanical communication with the clamp (93) (fig. 2).

Regarding claims 3-4 and 8-12, Hunter (572) teaches the radial sealing means (42) comprise an O-ring (col. 3, lines 37-41); the clamp (93) is driven with a spring (96) (fig. 2, col. 5, lines 9-10); a safety mechanism (92) that is responsive to a pressure inside the filter housing (col. 4, line 67 – col.5, line 4); the safety mechanism (92) locks the clamp actuator (88) (col. 4, line 67 – col. 5, line 13); means for locking the clamp (93) in an open position (col. 4, line 67 – col. 5, line 13); a filter cartridge (12) (col. 2,

lines 66-68); a filter cartridge (12) having one or more sealing means (56, 58) with a stub end cap (54) and filtered fluid flows through the stub end cap (54) and out through the outlet (50) of the head (11) (fig. 1&2, col. 4, lines 8-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (572) in view of Chiang US 5,294,335. Hunter (572) teaches the filter housing of claim 1, but does not disclose the means for providing a liquid-tight seal, between the sump and the head, is attached to the head. Chiang (335) teaches a filter housing with a liquid tight sealing means (117) between a sump (3) and a head (11) where the sealing means (117) is attached to the head (11) (fig. 1, col. 3, lines 9-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the filter housing as taught by Hunter (572) with the sealing means as taught by Chiang (335). The sealing means seal off the internal rim of the sump (col. 3, lines 15-16).
3. Claims 5, 7, 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (572) in view of Cartigny et al. US 5,678,721.

Regarding claims 5 and 7, Hunter teaches a filter housing with a clamp (93) but does not teach the clamp being positioned in partial circumferential contact in a

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horizontal plane around corresponding rims of the head and the sump. Cartigny teaches a housing wherein a clamp is (15a) positioned in partial circumferential contact in a horizontal plane around corresponding rims of a head (1) and a sump (2) (fig. 1) and a clamp actuator comprising a rotary cam (26) in conjunction with a linear cam (20a) the rotary cam comprising: a center slot fitted to a pin extending from a top surface of the head, a first and second linear track equidistant from the center slot and being parallel to one another, and tracking pins extending from the clamps top surface traveling within each linear track (fig. 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clamp of Cartigny because the locking-unlocking device provides a simple and reliable manner of certain and complete closing of the vessel (col. 2, lines 1-4).

Regarding claim 13, Hunter teaches filter housing comprising: a sump (10) enclosing a filter cartridge (12) (fig. 2), a head (11) removeably attached to the sump (10) (col. 2, lines 66-67) the head (11) having an inlet (72) and an outlet (50) in fluid communication with the filter cartridge (12) (fig. 1&2), a radially sealing means (42) between the sump (10) and the head (11) (fig. 2), a pressure relief mechanism (38) that depressurizes the sump (10) prior to removing the sump (10) from the head (11) (fig. 2, col. 5, lines 52-58). Hunter does not teach at least two clamps. Cartigny teaches two clamps (15a,15b) in peripheral arrangement to attach the head and the sump the clamps having a planar portion, and a linear cam (58) in mechanical communication with the two clamps with the planar portion of the two clamps such that actuating the

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cam (58) moving in a first direction moves the two clamps in a second direction perpendicular to the first direction to open or close the clamp (fig. 2 and 3).

Regarding claims 14, Hunter further teaches the radial sealing means comprises an o-ring (col. 3, lines 37-41).

Regarding claims 15-17, Cartigny teaches the two clamps are driven with a spring (45) (fig. 1); the housing includes a safety mechanism (10) responsive to a pressure inside the housing; the safety mechanism locks the actuating mechanism to prevent opening the clamps when the housing is pressurized (col. 7, lines 14-21, claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the locking valve of Cartigny because the lock valve permits locking in position each of the clamps (col. 7, lines 14-21).

Regarding claim 18, Hunter (572) teaches a filter housing comprising: a sump (10) enclosing a filter cartridge (12) (fig. 2), a head (11) removeably attached to the sump (10) (col. 2, lines 66-67) the head (11) having an inlet (72) and an outlet (50) in fluid communication with the filter cartridge (12) (fig. 1&2), a radial sealing means (42) between the sump (10) and the head (11) (fig. 2), a pressure relief mechanism (38) that depressurizes the sump (10) prior to removing the sump (10) from the head (11) (fig. 2, col. 5, lines 52-58). Hunter (572) does not disclose at least two clamps or a clamp actuating mechanism with a linear cam in conjunction with a rotary cam. Cartigny teaches a housing with two clamps (15a,15b) in peripheral arrangement to attach a head (1) and a sump (2) the clamps having a planar portion thereof (fig. 1) and a clamp actuator comprising a rotary cam (26) in conjunction with a linear cam (20a) the rotary

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cam comprising: a center slot fitted to a pin extending from a top surface of the head, a first and second linear track equidistant from the center slot and being parallel to one another, and tracking pins extending from the clamps top surface traveling within each linear track (fig. 8) wherein the linear motion of the linear cam is translated to rotational motion of the rotary cam to open the clamps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clamp of Cartigny because the locking-unlocking device provides a simple and reliable manner of certain and complete closing of the vessel (col. 2, lines 1-4).

Regarding claims 19-20, Hunter further teaches the radial sealing means comprises an o-ring (col. 3, lines 37-41) and a safety mechanism (92) that is responsive to a pressure inside the filter housing (col. 4, line 67 – col.5, line 4).

Regarding claim 21, Hunter teaches the filter housing but does not teach the claimed clamp actuator. Cartigny teaches a clamp actuator including a linear cam (58) having a push button end, a stub nose distal from the push button, and an angled portion such that linear cam translates motion of a first direction into motion in a second direction perpendicular to the first direction in order to actuate the clamp open or closed (fig. 2 and 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clamp actuator of Cartigny because the actuator device provides a simple and reliable manner of certain and complete closing of the vessel (col. 2, lines 1-4).

Regarding claim 22, Cartigny further teaches a clamp actuator including a linear cam (58) having a push button end, a stub nose distal from the push button, and an

angled portion such that linear cam translates motion of a first direction into motion in a second direction perpendicular to the first direction in order to actuate the clamp open or closed (fig. 2 and 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clamp actuator of Cartigny because the actuator device provides a simple and reliable manner of certain and complete closing of the vessel (col. 2, lines 1-4).

Response to Arguments

4. Applicant's arguments filed 6/30/2006 have been fully considered but they are not persuasive.

5. Regarding claims 1, 3-4, 6, and 8-17 and the Hunter reference, the applicant has stated that the Hunter reference does not teach a moving clamp element. Hunter contains a moving clamp element (88) that translates motion from one direction to another. As one end of the clamp is moved toward the housing the other end of the clamp moves in the opposite direction away from the housing. The applicant has also stated that the Hunter reference does not teach a clamp actuating mechanism that works in sliding mechanical communication with a linear cam. This argument is not persuasive as the claim only recites a linear cam in mechanical communication with the clamp and not a sliding mechanical communication.

6. Regarding the previous rejection of claims 9 and 13-20 under 35 U.S.C. 112 second paragraph, this rejection has been withdrawn in view of the applicant's amendment.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bk 7/14/06


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